

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.:
Date Purchased
SUMMONS

-----X
TAHIR L. TOOMBS

Plaintiff(s),

Plaintiff designates New York
County as the place of trial.

-against-

The basis of venue is:
residence of Plaintiff

AMERICAN RED CROSS AND BENJAMIN USECHE

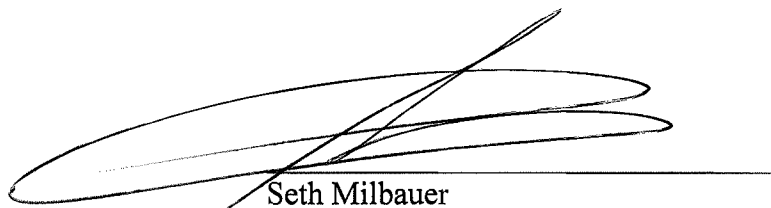
Defendant(s).

-----X
Plaintiff resides at:
527 West 47th Street
Apt #5J
New York, NY 10036
County of New York

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY
October 1, 2020



Seth Milbauer
GREENSTEIN & MILBAUER, LLP
Attorney for Plaintiff(s)
Tahir L. Toombs
1825 Park Avenue
9th Floor
New York, NY 10035
(212) 685-8500
Our File No. 18655

TO:

American Red Cross
150 Amsterdam Avenue
New York, NY

Benjamin Useche
120 6th Street
Ridgefield Park, NJ 07660

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.:
Date Purchased:

-----X
TAHIR L. TOOMBS

VERIFIED
COMPLAINT

Plaintiff(s),

-against-

AMERICAN RED CROSS AND BENJAMIN USECHE

Defendant(s).

-----X

Plaintiff, by his attorneys, GREENSTEIN & MILBAUER, LLP, complaining of the
Defendants, respectfully allege, upon information and belief:

1. That at all times herein mentioned, Plaintiff was, and still is, a resident of the
County of New York, State of New York.
2. At all times herein mentioned, Defendant American Red Cross was, and still is a
resident of the, State of New York.
3. At all times herein mentioned, Defendant Benjamin Useche was, and still is a
resident of the, State of New Jersey.
4. At all times herein mentioned, and on September 25, 2020, Defendant American
Red Cross owned a motor vehicle bearing license plate number FZV9084
registered in the State of New York.
5. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin
Useche operated the aforesaid motor vehicle.
6. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin
Useche operated the aforesaid motor vehicle with the permission of its owner,
Defendant American Red Cross.

7. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche operated the aforesaid motor vehicle with the knowledge of its owner, Defendant American Red Cross.
8. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche operated the aforesaid motor vehicle with the consent of its owner, Defendant American Red Cross.
9. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche operated said motor vehicle bearing license plate number FZV9084 registered in the State of New York within the scope of its employment with Defendant American Red Cross.
10. At all times herein mentioned, and on September 25, 2020, Defendant American Red Cross maintained the aforesaid motor vehicle.
11. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche maintained said motor vehicle.
12. At all times herein mentioned, and on September 25, 2020, Defendant American Red Cross managed the aforesaid motor vehicle.
13. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche managed the aforesaid motor vehicle.
14. At all times herein mentioned, and on September 25, 2020, Defendant American Red Cross controlled the aforesaid motor vehicle.
15. At all times herein mentioned, and on September 25, 2020, Defendant Benjamin Useche controlled the aforesaid motor vehicle.
16. That on September 25, 2020, West 48th Street & 8th Avenue, New York, NY were public thoroughfares.

17. That on September 25, 2020, Defendant Benjamin Useche operated and controlled said motor vehicle bearing license plate number FZV9084 registered in the State of New York at or about the above-mentioned location.
18. That on September 25, 2020, Plaintiff Tahir L. Toombs was a lawful pedestrian at the above-mentioned location.
19. That on September 25, 2020 at the aforementioned location, the motor vehicle owned by American Red Cross and operated by Defendant Benjamin Useche came into contact with the Plaintiff Tahir L. Toombs at the above-mentioned location.
20. That on September 25, 2020 at the aforementioned location, Defendant Benjamin Useche observed plaintiff prior to contact.
21. That as a result of the aforesaid contact, Plaintiff, Tahir L. Toombs was injured.
22. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.
23. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.
24. That by reason of the foregoing, Plaintiff, Tahir L. Toombs sustained severe and permanent personal injuries; and Plaintiff, Tahir L. Toombs was otherwise damaged.
25. That Plaintiff, Tahir L. Toombs sustained serious injuries as defined by §5102 of the Insurance Law of the State of New York.
26. That Plaintiff, Tahir L. Toombs sustained serious injuries and economic loss

greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

27. That Plaintiff, Tahir L. Toombs is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances in this action.
28. That this action falls within one or more of the exceptions set forth in CPLR 1602, including 1602(6) and (7).
29. That by reason of the foregoing, Plaintiff, Tahir L. Toombs has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this cause of action.

Dated: New York, NY
October 1, 2020

Yours, etc.



Seth Milbauer
GREENSTEIN & MILBAUER, LLP
Attorney for Plaintiff(s)
Tahir L. Toombs
1825 Park Avenue
9th Floor
New York, NY 10035
(212) 685-8500
Our File No. 18655

ATTORNEY'S VERIFICATION

SETH MILBAUER, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury: I am an attorney at **GREENSTEIN & MILBAUER, LLP**, attorneys of record for Plaintiff(s), Tahir L. Toombs. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: 10/1/20
New York, NY



SETH MILBAUER